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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,113	10/31/2003	Kenneth R. Guaragno		8927

23439 7590 11/01/2005

DENTSPLY INTERNATIONAL INC  
570 WEST COLLEGE AVENUE  
YORK, PA 17404

EXAMINER

MACPHERSON, MEOGHAN E

ART UNIT PAPER NUMBER

3732

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/698,113

Applicant(s)

GUARAGNO ET AL.

Examiner

Meaghan E. MacPherson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 10/31/2003
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachment

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the scaler tip and the magnetostrictive stack of the scaler as described and are given reference elements in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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3. The specification is missing sections. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR  
DEVELOPMENT.

(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT

(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A  
COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program  
listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables  
having more than 50 pages of text are permitted to be submitted on compact  
discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

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(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollock et al (US Patent No. 6,450,811) in view of SEAGATE ("New Seagate External Hard Drive Is Easiest, Most Rugged, And Coolest On the Market").

Pollock et al discloses a dental scaler apparatus 11 with a scaler housing 12, scaler power control circuit 114, and a scaler handpiece 18 having a coil 18C connected through an electrical conductor 18E to the scaler power control circuit (col. 5, line 13; col. 6, lines 5-12; col. 6, lines 48-49; see Figures 1, 10A, and 16). Pollock et al also discloses the housing having a first base side 12B with a plurality of base feet 24RS, 26RS, 24S, 26S, a second base side B, a holder side A with a holder 11G integrally formed therein to support the handpiece between uses, and a control side C (col. 5, lines 12-27; col. 5, lines 54-55; col. 7, lines 14-15; see Figures 4,6 and Attachment). The first base side is integrally connected to the second base side at an angle greater than 30 degrees, and the second base side is integrally connected to the holder side (see Figures 4 and 6). The first base feet are adapted to support the scaler housing. Pollock further discloses that the control side is integrally connected to the first base side, integrally connected to the second base side, and integrally connected to the holder side (see Figures 4 and 6). However, Pollock et al does not disclose the second base side having a plurality of second base feet adapted to support the scaler housing, or supporting the system on these second feet.

SEAGATE teaches a housing unit with a plurality of feet on two sides for supporting the housing unit (para. 4 and 6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the dental scaler system of Pollock et al to incorporate the teachings of SEAGATE to create a scaler system capable of being arranged in many space saving and convenient ways, in either the horizontal or vertical position.

Regarding claims 11-14, the method of using the dental scaler system is obvious in view of the shown structure in the above rejection.

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6. Claims 4-8, 10, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollock et al in view of SEAGATE in view of Hoffman'355 (US Patent No. 4,501,355). Pollock et al in view of SEAGATE discloses a dental scaler system that shows the limitations as described above; however, Pollock et al in view of SEAGATE does not disclose the holder with at least one grip adapted to retain the scaler handpiece or the grip being a rib.

Hoffman'355 teaches a set of parallel ribs 26 that provide a firm grip on the object placed on the surface (col. 3, lines 53-56; see Figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the dental scaler system of Pollock et al in view of SEAGATE to incorporate the teachings of Hoffman'355 to create a handpiece holder that supplies a firm grip with at least one rib to retain the scaler handpiece in the holder when not in use.

Regarding claims 15-19, the method of using the dental scaler system is obvious in view of the shown structure in the above rejections.

7. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollock et al in view of SEAGATE in view of Hoffman'355 and further in view of Sheridan et al (US Patent No. 5,127,830). Pollock et al in view of SEAGATE in view of Hoffman'355 discloses a dental scaler system that shows the limitations as described above; however, Pollock et al in view of SEAGATE in view of Hoffman'355 does not disclose the holder having at least two grips extending outward from the holder and the holder being adapted to distort for removal of the handpiece by the user.

Sheridan et al teaches a secured dental instrument holder 51 with at least two grips 53 extending outward from the holder. Sheridan et al also teaches that the holder is capable of

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being distorted for removal of the handpiece by the user (col. 6, lines 32-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the dental scaler system of Pollock et al in view of SEAGATE in view of Hoffman'355 to incorporate the teachings of Sheridan et al to create a holder that removable engages and clamps the dental handpiece to better secure the handpiece to the dental scaler system between uses.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Japanese Patent JP 2003248526 A to Adachi et al discloses a box shaped housing with legs on two peripheral sides of the unit.

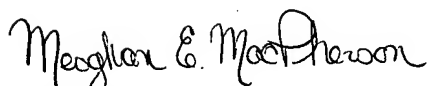
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meaghan E. MacPherson whose telephone number is (571)-272-5565. The examiner can normally be reached on Mon-Fri 9am-5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571)-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Meaghan E. MacPherson

  
John J. Wilson  
Primary Examiner

Attachment

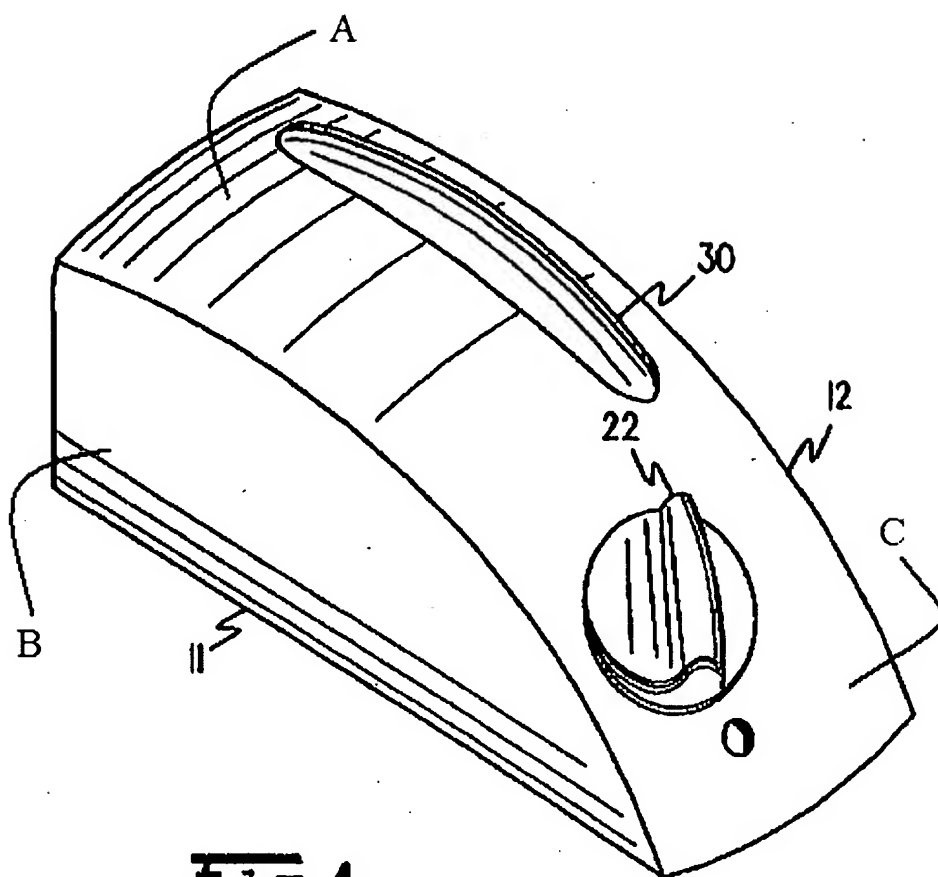


Fig-4